## IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH WELDON SMITH,

.

vs.

THE STATE OF NEVADA,

Respondent.

Appellant,

No. 37862

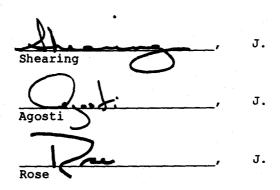
## FILED

MAY 17 2001



## ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion to terminate his appointed counsel and to appoint competent counsel in post-conviction proceedings pending below. Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists. No statute or court rule provides for an appeal from an order denying a motion to terminate counsel and appoint new counsel. Accordingly, we ORDER this appeal DISMISSED.



cc: Hon. Lee A. Gates, District Judge Attorney General Clark County District Attorney David M. Schieck Joseph Weldon Smith Clark County Clerk

<sup>&</sup>lt;sup>1</sup>Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).